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C O N F I D E N T I A L SECTION 01 OF 02 PRISTINA 000154

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SUBJECT: KOSOVO: ASSEMBLY PASSES AHTISAARI LAWS,
CONSTITUTION COMMISSION WRAPS UP WORK

Classified By: COM Tina Kaidanow for reasons 1.4 (b) and (d)

11. (C) SUMMARY: In the four weeks since the February 17 declaration of independence, the Government of Kosovo and the Kosovo Assembly continue to demonstrate their commitment to the Ahtisaari Plan. The Assembly has passed 19 Ahtisaari-related laws and the Constitutional Commission has wrapped up the public comment and review period on the draft constitution. Of those 19 laws, four directly concern the status of minorities in Kosovo, and nearly all contain specific protections for the Kosovo Serb community. During the early and final drafting sessions of these laws, opposition political parties, Kosovo Serbs, and other minority communities took part in the discussions. The next goal, by the first week of April, is to pull together a third package of around 10 laws and to finalize the draft constitution and send it to the Assembly for approval. Keeping Kosovar lawmakers focused on their overarching commitment to an open, democratic, multi-ethnic Kosovo will be a challenge in light of continuing violent provocations in the north. END SUMMARY.

Ahtisaari Legislation

12. (SBU) On March 13, less than four weeks since independence, the Kosovo Assembly passed 10 additional laws directly related to the Ahtisaari Plan, bringing the total of such laws to 19. Included in this package were several pieces of legislation key to the protection of Kosovo Serb interests: Rights of Communities and their Members, Local Government Finance, and Public Financial Management and Accountability. These three laws complement another three previously passed: Establishment of Special Protective Zones (which mainly deals with Serbian Orthodox Church sites), Local Self-Government, and Municipal Boundaries, to form a core of decentralization legislation designed to protect and guarantee the rights of the Kosovo Serb community and other minority communities. In the next tranche, we should see three more decentralization laws that deal with elections, health, and education at the local level.

13. (C) The March 13 package of laws passed by a wide margin with 83 "yes" votes out of 95 MPs present. There were seven

"no" votes and five abstentions. While this is an improvement over the first package passed February 20 with 77 "yes" votes, it required significant effort by USOP and ICO during the drafting and approval process to bring along the political opposition and some of the minority communities. Five of the seven "no" votes in the recent package came from MPs representing the Turkish and Bosniak communities who seek official status for their languages throughout Kosovo, and opposed the package when the Law on Rights of Communities and their Members did not contain this provision. (Note: The Ahtisaari Plan provides for Albanian and Serbian as national, official languages, while other minority languages have status as official languages in municipalities where they make up at least 10 percent of the population. End Note.) There were also some strong comments from opposition AKR caucus leader Ibrahim Makolli in a final drafting session for the law on Local Government Finance on March 5 wondering why Kosovo was giving so many special rights and privileges to a community (Serb) which did not care to participate in Kosovo institutions and, in fact, was actively working to undermine them, in his view. During all of the final working group sessions on this package of laws, political opposition parties, the Serb caucus in the Assembly, and other minority communities were represented. Ultimately, Makolli voted in favor of the package of laws, as he had committed to doing in his meetings with USOP.

Constitution Next Steps

14. (SBU) Much of the public anxiety over the contents of the draft constitution and perceived secrecy of the document that built up prior to its public release on February 17 has

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dissipated. The two-week public outreach and comment period, which closed on March 2, has been a resounding success with 58% of visitors to the website expressing the general sense that Kosovo citizens have had their say. As of March 19, there have been over 2,500,000 hits on the website; 116,983 downloads, or attempted downloads of the draft constitution in Albanian, 41,187 in English, 7,365 in Serbian, 2,980 in Turkish, 1,478 in Roma and 1,205 in Bosnian. About 650 comments were submitted through the website. There has also been very good attendance at public fora on the constitution and over 5000 hits on the minutes from those meetings posted on the website.

15. (C) The Constitutional Commission has spent more than a week considering comments from the public collected over this period. In an effort to underscore the collaborative nature of the document and reinforce the authentic sense of ownership among Kosovars, if language suggested by a member of the public is incorporated into the constitution, that person will be identified as an "honorary member of the Constitutional Commission."

16. (C) The Commission wants to wrap up its work and have a formal signing ceremony of the draft constitution by the end of March. The procedure envisioned for getting the constitution passed through the Assembly is similar to what was done for the declaration of independence: The President would send a letter to request an urgent session of the Assembly to pass the constitution, the Speaker of the Assembly would then convene the Assembly Presidency which would approve the session with one agenda item, and the Assembly would vote up or down on the constitution. Ideally, this will happen sometime in the first week of April. The constitution will not come into effect, however, until June 15.

17. (C) Comment: Work on drafting and passing the Ahtisaari laws progresses at a steady clip, despite wariness on the part of some lawmakers related to provocations in the north. The Assembly's tolerance for passing laws in expedited procedure is limited, however, and the urge to use the bully

pulpit of the Assembly to discuss events in the north is strong. To help minimize the potential for fireworks in the Assembly, the push is on to get as many new laws for the third package, which will likely extend the process into April. The constitutional process is on track, and the public outreach has had the desired effect of creating a strong, authentic feeling of ownership for the constitution among Kosovars from all communities and especially among the Commission members.

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